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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Argentina, Bangladesh, Bolivia, Brazil, Cape Verde, Colombia, Congo, Costa Rica, Cuba, Ecuador, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Mexico, Morocco, Mozambique, Nicaragua, Panama, Paraguay, Peru, Philippines, Portugal, Russian Federation, Senegal and Uruguay: draft resolution

Protection of migrants

The General Assembly,

Considering that the Universal Declaration of Human Rights[1] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the World Summit for Social Development[4] and the Fourth World Conference on Women,[5]

[1] Resolution 217 A (III).

[2] See A/CONF.157/24 (Part I), chap. III.

[3] See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[5] See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

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Taking note of Commission on Human Rights resolution 1999/44 of 27 April 1999 on the human rights of migrants,[6] and of its decision to appoint a special rapporteur on the human rights of migrants,

Recalling its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles for the return of migrants who are non-documented or in an irregular situation to their States of origin,

Deeply concerned at the manifestations of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for human rights and fundamental freedoms of all migrants,

Taking note with appreciation of the recommendations on strengthening the promotion, protection and implementation of the human rights of migrants, of the working group of intergovernmental experts[7] established by the Commission on Human Rights,

Noting the efforts made by States to penalize the international trafficking of migrants and to protect the victims of this illegal activity,

Taking note of the decisions of the relevant international juridical bodies on questions relating to migrants, particularly Advisory Opinion OC-16/99 of the Inter-American Court of Human Rights regarding the Right to Information about Consular Assistance within the Framework of Due Process Guarantees,

1. *Requests* all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights[1] and the international instruments to which they are party, which may include the International Covenants on Human Rights,[8] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[9] the International Convention on the Elimination of All Forms of Racial Discrimination,[10] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[11] the Convention on the Elimination of All Forms of Discrimination against Women,[12] the Convention on the Rights of the Child[13] and other applicable international human rights instruments;

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[6] *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[7] E/CN.4/1999/80, paras. 102-124.

[8] Resolution 2200 A (XXI), annex.

[9] Resolution 39/46, annex.

[10] Resolution 34/180, annex.

[11] Resolution 45/158, annex.

[12] Resolution 34/180, annex.

[13] Resolution 44/25, annex.

2. *Strongly condemns* all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and assisting individual victims of racist acts, including migrant victims;

3. *Calls upon* all States to review and, where necessary, revise immigration policies with a view to eliminating all discriminatory policies and practices against migrants and to provide specialized training for government policy-making and law enforcement, immigration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

4. *Reiterates* the need for all States to protect fully the universally recognized human rights of migrants, especially women and children, regardless of their legal status, and to provide humane treatment, particularly with regard to assistance and protection, including those under the Vienna Convention on Consular Relations, regarding the right to receive consular assistance from the country of origin;

5. *Welcomes* the decision of the Commission on Human Rights to appoint a special rapporteur on the human rights of migrants to examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation, with the following functions:

(a) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(b) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(c) To promote the effective application of relevant international norms and standards on the issue;

(d) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(e) To take into account a gender perspective when requesting and analysing information, as well as to give special attention to the occurrence of multiple discrimination and violence against migrant women;

6. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested, including by reacting promptly to his/her urgent appeals;

7. *Encourages* Member States that have not yet done so to enact domestic criminal legislation to combat international trafficking of migrants, taking into account, in particular, when it endangers the lives of migrants or includes different forms of servitude or exploitation, such as any form of debt, bondage, servitude, sexual or labour exploitation, as well as to strengthen international cooperation to combat such trafficking;

8. *Requests* the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the implementation of the present resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".